IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION NO.3115 OF 2005

Shri Deepak N. Nagvekar....Petitioner

Vs.

State of Maharashtra & Ors..Respondents

None present for the Petitioner
Mr. M.D. Naik, AGP for Respondent Nos. 1 and 3.
Mr. M.L. Chaturvedi, for respondent No.6
Mr. S.A. Sawant, for Respondent No.7.
Ms. Shoba Ajitkumar, for B.M.C.Respondent No.4.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 7TH NOVEMBER,2006

P.C.

. None present for the petitioner when the matter is called out. On behalf of respondent No.7 learned Counsel points out that in respect of the very same subject matter they have filed a suit before the City Civil Court being S.C. Suit No.5597 of 1978. By judgment and decree dated 27th March, 2002 that suit has been decred. Respondents have preferred an Appeal.

2. Petitioner is not party in S.C. Suit No.5597 of 1978. The Defendants in that suit claimed that they represent the devasthan and in charge of the devasthan and they are entitled to the said property. The petitioner in the present petition has also averred that he has filed the petition for self and

on behalf of other devotees and residents in the vicinity in the representative capacity. The subject matter is the temple of Shree Krusangali Akurli Mata. Considering the above in our opinion as an Appeal is pending and the very issues in the present petition were in issue in the suit and could be in issue we do not propose to interfere in the extra ordinary jurisdiction. Petition dismissed.

(**F.I. REBELLO, J)**

(**ANOOP V. MOHTA J).**